

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLARD F. BREHM, Trustee of the)
Willard F. Brehm Trust, GLADYS M.)
BREHM, Trustee of the Gladys M. Brehm)
Trust, ALVENA T. FROST, Alvena T.)
Frost, Trustee of the Alvena T. Frost)
Trust, ARLIN STUTHEIT, RICHARD)
HAUBERG, ELAINE HAUBERG, GARY)
RADEMACHER, and PAMELA)
RADEMACHER, on behalf of themselves)
and all others similarly situated,)

Plaintiffs,)

v.)

CAPITAL GROWTH FINANCIAL, INC.,)
REBECCA ENGLE, BRIAN SCHUSTER,)
ENGLE & SCHUSTER FINANCIAL, INC.,)
AMERICAN CAPITAL, Corporation,)
ROYAL PALM CAPITAL GROUP, INC.,)
CAPITAL GROWTH EQUITY FUND I,)
LLC, ALAN JACOBS, MICHAEL)
JACOBS, GERALD PARKER, JOHN)
BOYCE, GERALDINE MAGALINCK,)
PATRICK HARRINGTON, PETER)
KIRSCHNER, and STARK WINTER)
SCHENKEIN & CO., LLP,)

Defendants.)

8:07CV254

ORDER

This matter is before the Court on plaintiffs' motion for preliminary approval of a proposed partial settlement. Filing No.272. The court conducted a hearing on this matter on June 18, 2009, and counsel argued their respective positions. Pursuant to the agreement with counsel, the court orders the following:

1. Plaintiffs' shall disclosed all sealed information immediately to counsel for defendant Stark Winter;
2. Counsel for Stark Winters agrees to maintain the confidentiality of all sealed

information disclosed to it by the plaintiffs;

3. Stark Winter shall have 20 days from the date of this order to determine if it needs to conduct additional discovery;

3. If additional discovery is needed, Stark Winter shall have an additional 30 days to conduct the discovery;

4. At the end of the 20 day time period, if no additional discovery is needed, or at the end of 50 days if additional discovery is conducted, Stark Winter shall file any objections it has to the proposed partial settlement as outlined by the plaintiffs without prejudice to its objections for prematurity and certification of the class as articulated on the record . If at any time Stark Winter determines it has no other objections to the proposed partial settlement, it shall immediately so notify the plaintiffs' counsel;

5. If following this process counsel for the plaintiffs believes he needs an additional hearing, either by phone or in the courtroom, on its motion for settlement, he can so advise the court and an expedited hearing will be scheduled; and

6. The parties are further notified that this court will handle the motion to certify the class reasserted in Filing Nos. 260 and 261.

IT IS SO ORDERED.

DATED this 18th day of June, 2009.

BY THE COURT:

/s Joseph F. Bataillon

Joseph F. Bataillon
Chief United States District Judge